

City of Taylorsville  
Planning Commission Meeting  
Minutes  
Tuesday – January 24, 2006 – 6:00 P.M.  
2600 West Taylorsville Blvd – Council Chambers

---

**Attendance:**

**Planning Commission**

Kristie Overson, Chair  
Ted Jensen  
Robert "Bip" Daniels  
Blaine Smith  
Angelo Calacino  
Dama Barbour  
Scott Bolton  
Joan Ruston-Carlson (Alternate)

**Community Development Staff**

Mark McGrath, Director  
Michael Maloy, City Planner  
Dan Udall, City Planner  
Nick Norris, City Planner  
Jean Gallegos, Admin Asst/Recorder

**PUBLIC:** Brent Overson, D. Lee Nelson, Tammy Robinson, Karma Webb, Randy Hurst, Rob Navasio, Orleen Navasio, Chet Nichols, G. Shepline, Cherie Shepline, Jack Lucas.

**WELCOME:** **Commissioner Overson** welcomed those present, explained the process to be followed this evening and opened the meeting at 6:40 p.m.

**BUSINESS ITEM**

- |  |
|--|
| 1. Administer Oath of Office to Planning Commission Members. (Virginia Loader - Taylorsville City Recorder). |
|--|

1.1 The Oath of Office was administered to all Planning Commissioners present by the City Recorder, Virginia Loader during the pre-meeting. (Commissioner Barbour was in another meeting at the time and was sworn in separately).

**SUBDIVISIONS**

- |   |
|---|
| 2. 14S05 <b><u>Brent Overson</u></b> – 9-Lot Regular Subdivision at 5161 South 1130 West.<br>(Preliminary) (Dan Udall/City Planner) |
|---|

[18:50:16](#)

**Commissioner Overson** asked to be excused during the hearing of this item due to conflict of interest in that the applicant is her husband. She left chambers at this point and did not discuss the application with anyone in the audience. She also excused herself from discussion during the pre-meeting when this item was discussed and left the room. **Commissioner Jensen** took over duties as Chair. **Commissioner Rushton-Carlson** assumed a chair on the Commission for this item.

[18:52:39](#)

2.1 **Mr. Udall** oriented on the site plan, aerial map and images. On December 13, 2005, the Planning Commission continued a preliminary 9-lot subdivision by applicant Brent Overson for property located at 5161 S. 1130 W. to no later than April 11, 2006 to allow the applicant to address several issues identified at the meeting, including:

- **Access.** The Planning Commission felt strongly that roads accessing the lots be public roads built to City standards to ensure compliance with City Code and the 4800 South Small Area Master Plan.
- **Future access.** The new road needs to provide a stub access to adjacent properties as required in City Code.
- **Jordan River buffer.** The Taylorsville General Plan and 4800 South Small Area Plan stipulate that a 100' wide no build easement along the west side of the Jordan River be provided.

- **Lot size.** The zoning condition placed on these properties states that all lots must be at least half acre lots. If the road providing access to the new lots is a public street, the area dedicated to the City for the street will not be included in the lot size, thereby making the existing lots considerably smaller than half acre.
- **Other agencies.** City code requires that all applicable agencies provide at least preliminary approval prior to the Planning Commission granting preliminary approval.

2.2 Following the December 13<sup>th</sup> meeting, the applicant filed an official appeal of the Planning Commission's decision. However, since the motion was for a continuance rather than an approval or denial, an administrative decision was made that there was no grounds for appeal. As a result, the applicant is now requesting to continue the public hearing at the January 24<sup>th</sup> meeting with the intent of receiving a definite answer to his application. Please note that no amendment to his original application has been made other than widening the private right-of-way from 20' to 30'.

**2.3 Staff recommends the 9-lot residential subdivision be denied as proposed based on the following findings of fact:**

1. The subdivision, as proposed, violates the subdivision ordinance that requires that new subdivisions make provisions for the continuation of streets to access un-subdivided or adjoining vacant land. The new streets should stub to the north and south because of the adjacent vacant properties.
2. The subdivision, as proposed, does not meet the intent of the 4800 South Small Area Master Plan concerning a long-term access road from 4800 South through the Hidden Cove neighborhood and to the south and west along the Jordan River to 1130 West. A public street should be provided that stubs to the north that will eventually join the existing public street to the north in the Hidden Cove neighborhood.
3. The applicant has not fully demonstrated how he will provide a 100' wide natural easement along the west side of the Jordan River, as envisioned in the Taylorsville General Plan and 4800 South Small Area Master Plan.
4. When the area encompassing the access road(s) is removed, lot sizes fail to meet the minimum half acre requirement.
5. All applicable agencies have not granted approval of the proposed subdivision as required by Taylorsville City Code (i.e., Salt Lake County Flood Control, Environmental Protection Agency, etc.).
6. The proposed intersection offset, as proposed, does not meet the local street intersection design requirements as identified in City Code.

**2.4 If the Planning Commission approves the proposed regular subdivision, staff recommends the following conditions:** (Did not review this portion). Not recommendation.

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That the subdivision receives final plat approval from the Planning Commission.
3. That the subdivision is recorded by plat and that the plat complies with City Ordinance 12.16.010.
4. That the project receives storm drain approval from the City Engineering Department and pays the appropriate fees.
5. That any subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission. The amendment must then be recorded.
6. That a public road be required to access the residential lots. That all street improvements required by City Ordinance will be installed to City standards. This includes sidewalk, park strip and curb/gutter or other standards as identified in the 4800 South Small Area Master Plan. That stub roads are provided to the north and south.
7. That street lights should be installed as determined by the City Engineer.
8. That a note be provided on the subdivision plat stating that a no build easement be deeded to the lots adjacent to the Jordan River Corridor. Staff will need to approve where this easement will be located.
9. That a note be provided on the subdivision plat stating that no buildings will be built in a 100' no-build easement adjacent to the Jordan River.
10. That needed approvals and permits are submitted to the City in regards to the following: Stabilizing the Jordan River, the 100-year flood plain, wetlands and other engineering be obtained from Salt Lake County, Army Corps of Engineers, ~~Federal Emergency Management Agency~~, etc. and are reviewed and received by staff before the ~~preliminary~~ **final** subdivision plat is approved. All applicable agencies involved with the Jordan River should provide letters of approval.
11. That a 6' high fence be provided on all lots that are adjacent to or within 100' of the Jordan River. The fence shall be placed at least 50' from the Jordan River corridor and be designed in such a way as to minimize the visual impact from the Jordan River Parkway. The fence shall be installed prior to any building permits being issued for the subdivision.

12. That on the eastern side of the lots adjacent to the Jordan River, a landscaping plan will be required. The landscape plan shall identify a landscape strategy that sufficiently buffers the Jordan River and Jordan River Parkway utilizing appropriate plant materials for the Jordan River Parkway. All landscaping plans for areas within 100' of the Jordan River must be approved by City staff.
13. That the applicant meets the minimum distance intersection design requirements stated in the Highway Ordinance.

2.5 **DISCUSSION:** Commissioner Calacino 18:58:14 wondered why this item is on the agenda if the applicant has still not addressed any previous concerns of the Commission and still appears to be non-compliant with City Ordinances. These are issues that must be addressed before the Commission can take any action. Mr. McGrath 18:59:14 advised that essentially the applicant formally requested an appeal to the Planning Commission's decision for continuance, which cannot be appealed. The applicant then said he did not intend to make any adjustments and wants to have the Planning Commission hear the proposal as presented. Commissioner Barbour asked which ordinance it was non-compliant with and Mr. McGrath said that was outlined in the staff report, page 4, which includes six findings of fact (outlined in these Minutes as Paragraph 2-3).

2.6 **APPLICANT ADDRESS:** Mr. Brent Overson 19:04:02 Mr. Overson advised the purpose for being here tonight was that he had written a letter requesting an exception concerning the private road. In his opinion, the requirement for receiving approval from every agency having jurisdiction over the Jordan River was excessively broad and unnecessary. He acknowledged that approval should be obtained from three or four agencies at the most and felt that the City Engineer was supportive of that opinion. 19:05:51 He spoke to his "unwillingness" to do those other things by saying it is not a requirement that he have an entry road 150' from the west, northwest coordinates, which was brought to his attention during a discussion with Gordon Haight and Mark McGrath on another occasion. That is something that could be addressed but the key issue is whether that would be a public or private road. In order for it to be a private road, he asked in his letter to staff and the commission for an exception to the roadway standard. As for the road being 20' or 30' wide, he added that he clearly submitted in accordance with the application requirements, six sets of plans, four pages each, that detailed his proposed 30' wide road. The question was how much surface area was included in that road and the ordinance says that it must be at least 26'. He provided Mr. Udall an additional sheet that showed that it had always had been proposed to be a 30' wide road. It is his intent to make that 30' of paved area if necessary, with a 10' wide berm on each side and felt that was adequate. 19:07:30 He listed the following permits as being those he felt would be required: Salt Lake County Flood Control Meander Corridor Permit and a State Storm Water Prevention Plan Permit, however, he felt the FEMA Flood Plain Permit and the Army Corps of Engineers 404 Permits were not needed. He added that the City Engineer had agreed with him on 404 permit. A 404 permit is only required when building on a wetlands area or the bank of the river or wetland area would be disturbed, which was not the case here. The subdivision is being designed to prevent any run off. Back to the issue of the road being a public or private road, he showed an image of Hidden Cove Phase 4 and indicated where staff wants the public road stubbed to. He showed a picture of the

Citizens who were present during the discussion of the Small Area Master Plan, all of whom were opposed to a public road connecting this subdivision to Hidden Cove. 19:09:40 The opinion was clearly that the roads should be private and maintain the character of the existing area. He said it was unfortunate that the City ignored that fact there is a recorded subdivision bordering this site, recorded as the Adams Subdivision. Mr. Adams submitted a letter to the Commissioners which Mr. Overson read as follows: "Honorable Planning Commission: I am submitting this letter to you to inform you that I had a recorded subdivision that was approved by Taylorsville City that is located between the Cressal property and Hidden Cove. Recently I learned that you are now planning to put a road through my subdivision to connect 1130 West through the Cressal property to Hidden Cove. I am opposed to such a road. It would seriously reduce the value of my property and destroy my plans for the areas surrounding my home. The zoning and subdivision were achieved with discussion with the residents in the area and I have no plans now or in the future to change the subdivision. I further agree that development along 1130 West should take place on private roads just like those that have been constructed over the years." 19:11:10 Mr. Overson reiterated that he is asking first of all for an exception to the roadway standards to allow a private road to be built here and that the requirement to stub it so that it can be put into this road be removed from the requirements based on reasons given here. Based on the 4800 South Small Area Master Plan clearly indicates that development along 1130 West should be private roads and he felt his subdivision complies with that requirement.

1. Commissioner Daniels 19:13:21 asked if Mr. Overson had obtained any of the approvals yet and Mr. Overson replied that until he received approval of the preliminary plat, it would be fruitless and costly to do so. He cited the Don Patton development as an example.
2. Commissioner Barbour 19:15:09 said she believed that she heard Mr. Overson acknowledge that there is a City ordinance to require those permits. Mr. Overson replied that was true but that the Planning Commission has latitude until approval is received from the Planning Staff or such other

agencies as the Commission desires. He felt that meant that the Commission could put in their motion that those permits can be obtained at the final plat approval. That has been done before and cited Hidden Cove Subdivision as an example and when Greg Larson applied for his 21 lot subdivision which this Commission approved without requiring that he have those permits in place before the preliminary plat. In fact, he was under the impression that the only two projects where the permits were required at preliminary review was this one and the one that Don Patton is proposing off 4800 South. **Commissioner Barbour** advised that she did not see that the Commission has that kind of flexibility and her concern was mostly with the Jordan River permits. [19:16:50](#) She asked Mr. McGrath for clarification as to how the Greg Larson and Hidden Cove Subdivisions were handled. **Mr. Udall** advised that staff did not require those permits along the Jordan River Corridor until final plat approval. **Mr. McGrath** advised the reason being that the Commission specifically delegated that authority to staff. **Commissioner Barbour** asked if the same ordinance were in effect then and was informed by Mr. Udall that it was. [19:17:31](#) **Commissioner Jensen** said that it was his understanding that there are differences in the properties. The Patton property had more of a flood plain issue and a more sensitive land use issue. It was completely different, therefore, requirements had to be different. **Commissioner Daniels** [19:17:59](#) made the comment that he also served on the Salt Lake City Planning Commission and there, often, the Commission would give Staff the leeway to basically say there is a recommendation to approve based upon the application and approvals that will be obtained down the road. The implication there is that if the approval is recommended and the subsequent required approvals are not received from the applicable agencies, then it does not move ahead. [19:18:44](#)

## 2.7 **SPEAKING:**

1. **Lee Nielsen**, 4949 S. 1130 W. [19:19:05](#) **Mr. Nielsen** commented that he was amazed at how many times the same issues must be discussed. The Master Plan that was studied and approved said that 1130 West was going to maintain its' country lane atmosphere with no sidewalk, no curb nor gutter. He felt it essential that this be kept as a dead end street because it is very narrow and very dangerous, which would be compounded by adding more traffic by connecting it to Hidden Cove. It is not designed to be a highway and would create major safety issues for people, especially children living along 1130 West.
2. **Rob Novasio** (Lives next to Scott Adams). **Mr. Novasio** said he would be directly impacted because the road would be in the corner of his lot. He added that the reason his family moved down there was to get away from the city environment. In this area, residents live in the middle of a city but it doesn't have the feel of living within a City. [19:22:08](#). He asked that the Commissioners take a field trip down into the area in order to more fully appreciate what the citizens are talking about. He felt the government was not listening to the citizens. He felt the public through road was unnecessary, would bring in more crime and noise and negatively impact their beautiful pristine surroundings. [19:26:11](#) **Commissioner Barbour** advised that the Commission is bound to abide by City ordinance. If there is an ordinance in place with that requirement, then the Commission has no choice but to uphold it. **Mr. Novasio** said that the ordinance, which he felt was ridiculous, should then be changed and asked that option to be considered. [19:28:12](#) **Commissioner Daniels** informed Mr. Novasio that the Commission had heard him say that he was against the road but was in favor of the subdivision. **Mr. Novasio** said that it was correct that they wanted the road to remain private because it works well in that particular area. He was supportive of the subdivision with a stub street
3. **Randy Hurst** - 4990 S. 1130 W. [19:29:34](#) **Mr. Hurst** was supportive of the subdivision but opposed to the stub street to Hidden Cove because Hidden Cove is a regular subdivision with sidewalks and curb/gutter and he wanted his area left as it is.
4. **Sheree Shepard** [19:30:52](#) was in favor of the subdivision but against the stub street. She felt there was no reason for Hidden Cove residents to come through their area.
5. **Tammy Robinson** [19:31:26](#) commented that they have three pieces of property there and don't want a road stubbed out to their property. They have horse property there and want to maintain it that way.
6. **Mr. Overson** suggested that Mr. Haight be able to respond regarding the permits. [19:32:25](#)

## 2.8 **CLOSED FOR DISCUSSION OR A MOTION.**

1. **Commissioner Bolton** [19:32:58](#) asked if there was a copy of the Adams Subdivision available. He wanted to know if the request is for a road that stubs to nowhere. That if there is a recorded subdivision plat with roads set up, he wanted to know where the road would be stubbed out to. **Mr. Udall** said that Community Development does have a copy of it. **Mr. McGrath** added that basically what was shown on the vicinity map on the screen was existing subdivision superimposed on the GIS map. There are no public streets in that area and everything is accessed through private drives. **Commissioner Bolton** asked if it were just a three or four lot subdivision and if it was all private roads. **Mr. Overson** said from the audience (barely audible) that there is a cul-de-sac called for in the recorded document. **Mr. McGrath** said he was not certain about that. **Mr. Udall** also could not remember if there was a requirement for a cul-de-sac there. **Commissioner Bolton** - As the subdivision plat is recorded now, it calls for private roads down through there. **Mr. Udall** said that was correct, into the Adams Subdivision. **Mr. Overson** (Came back to the microphone) and asked to comment on that. [19:34:30](#) He said there are two ways of having a subdivision approved; a simple subdivision or a regular subdivision. The Adams Subdivision was a simple subdivision recorded by deed as opposed to plat and each of the deeds it is recorded that there will be a cul-de-sac at the end of the private road which goes down the side of the Novasio property and in front of the Adams house. [19:35:16](#) He continued on to say that there was a zoning condition placed on the map allowing only six lot. [19:34:57](#) **Commissioner Jensen** asked about the surrounding properties and **Mr. Overson** advised that Murray City is selling the parcel at the end of Olsen's parcel to Taylorsville City, which is all within the 100' year flood plain. [19:38:17](#)
2. **Commissioner Calacino** [19:38:29](#) asked the applicant if he had looked at the sewer issues and **Mr. Overson** explained his sewer plan, however, commented that it was not a condition for preliminary plat approval. [19:38:59](#) **Commissioner Calacino** asked about storm water and if it would be retained on the east end of the site. **Mr. Overson** replied that there would be 10' swales on each side of the road, which would easily handle that. Also, percolation tests indicated that storm water can be retained on site. **Commissioner Calacino** was of the opinion that these issues should be part of the discussion tonight and he was not comfortable with the fact that it was not included. [19:40:15](#) He was still concerned that there was no information from other agencies indicating that this project would not create a negative impact on the surrounding communities and said he was very uncomfortable with that. [19:40:50](#) **Mr. Overson** said that he submitted his application, he included a four page which clearly delineates the storm water plan, including the 100 year calculations and absorption to staff and did not know why the Commissioners were not given a copy of that. **Commissioner Calacino** [19:41:37](#) advised that the Commission doesn't necessarily need to see the plan but did need to see something in writing from city officials and applicable agencies such as Fire, Health, Flood Control, City Engineer, etc., which says this project will or will not work. **Mr. Overson** advised that he did not know why staff did not provide the Commission with those documents.
3. **Commissioner Jensen** advised that Section 12.24.050, called Arrangement of Streets, is an already approved ordinance that the Planning Commission must be in compliance with when making any recommendation. It states, "The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas and shall provide access to un-subdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission." New streets must connect with existing public streets. The intent of the Planning Commission is to provide for what may happen in the future and the Commission must provide for that future now.
4. **Commissioner Barbour** [19:44:24](#) said she had looked at the plan for this subdivision with a private lane and did not feel it was land locking anyone. She also asked the applicant if he had received a copy of staff's report (which he said he had). She then wanted to know if he had any comments relative to staff's conditions therein. [19:45:11](#) **Mr. Overson** advised that he did with regard to the private road, saying that there is an ordinance that says that there must be 150' from the existing road. He had no problem with that, however, that would require installing a curve. There is a significant grade, which he can deal with that by making a more level approach. He felt it was better planning to have it come straight into the road. The number of vehicles coming off the road are minimal. The 150' provision is flexible and he felt he could live with that if it is an absolute necessity. That along the road, not everyone is in compliance with the 150' provision. The 100' buffer is clearly delineated but the 50' buffer is not included now but will be complied with by easement. He was opposed to the curb, gutter and sidewalk requirement and stubbing the street to the north or south. He felt that these requirements are saying that the City is ignoring a recorded subdivision by requiring that unnecessary stub. He felt there was adequate access being provided. He also felt requiring permits from all agencies is onerous. [19:47:26](#) **Commissioner Barbour** said that she just wanted to make sure that he had read staff's recommendations.



5. **Commissioner Jensen** [19:47:49](#) asked if there would be any problem with sewer connections due to it being down a slope. **Mr. Overson** said that all sewer connections are provided for by gravity flow to one line. [19:48:17](#) **Commissioner Daniels** [19:48:27](#) wanted clarification on agency approval requirements. He had heard Mr. Overson state on more than one occasion that he has been asked to go to all applicable agencies. His assumption was that means that all agencies that approvals are needed. Mr. Overson commented he was told he had to go to all agencies having jurisdiction over the Jordan River, which numbers about 27 total. [19:49:29](#) **Mr. Udall** said that the interpretation would be for all “applicable” agencies, not “all” agencies and those involved were outlined in the staff report, for a total of four. **Commissioner Calacino** suggested hearing from the City Engineer relative to this issue. **Commissioner Rushton-Carlson** asked Mr. Overson if he were in agreement that there would be no building on the 100’ easement from the Jordan River, to which **Mr. Overson** agreed. [19:52:46](#)

6. **Gordon Haight** [19:52:54](#) advised he would address the issue of necessary permits. The FEMA flood plain is usually something the developer asked for. It was included as a recommendation because he saw there was flood plain indicators on a portion of the lot. When a lot is purchased, the buyer needs to be aware of any flood plain issues. None of the homes themselves would actually footprint on FEMA flood plain. As a City, it isn’t necessarily a requirement but developers are asked to do that. In his first staff report, he indicated the FEMA flood plain as being a reasonable thing to look at but since this is not a large area that has FEMA, it is up to the developer and the property owner will have to deal with those issues. The County Flood Control Permit for the meander corridor is something that needs to be obtained before final approval. The 404 Permit is complicated. He went to the site with Mr. Overson and observed the property the City is acquiring is an area that is replete of vegetation right up to the river, therefore, it could not be verified as a wetland. However, if there is any impact on the river, the Corps of Engineers can take responsibility and give you a 404 Permit or they can not take responsibility. He advised that right now there is concrete all along the Jordan River and it is not a real pristine part of the river. Therefore, it could be something that the State of Utah would do with a stream alteration if there were something done to the bank. He continued on to say that Mr. Overson’s initial proposal is to have a swale system with a lot of sumping and eventually could have water that would go onto this property that would eventually meander, including a load depression on the property. If the water could be dumped into that channel and allowed to flow over into the Jordan River, he was not prepared to speak in behalf of the Corps of Engineers or State Engineer as to whether they would want to be involved in, but he suggested that if a public dedicated road with curb and gutter is required he could not speak to. [19:54:33](#) **Mr. Haight** advised that what Mr. Overson is proposing is to have swales and an overflow between lots, which could eventually meander over to the river. With the curb and gutter scenario it is going to be more difficult to have that kind of a swale system. It is going to be more of a ponding system for the detention and it may be deep enough to require a pipe that could stub to the river. If that is the direction this development goes, there may be a tendency that there actually be a pipe. This may not be shallow enough for the water to meander properly. If it is stubbed with a pipe to the river, most likely there will need to be a stream alteration permit from the State of Utah and a County Flood Control Permit for a stub to the river. If it meanders and the Corps of Engineers, Salt Lake County, State of Utah all look at and approve it, Mr. Overson may not need that. At this point, he has no knowledge of how this is going to go. **Mr. Haight** felt there was value in having some meandering involved and trying to re-vegetate the City owned property and just allowing it to be reclaimed as part of the corridor. Mr. Overson had said that it was his understanding that if he retains all storm water on site, no 404 Permit is required. [19:58:47](#) **Mr. Haight** advised that was true and he had no problem with the overflow going on to the City property but he personally was not in favor of retention basins.

- **Commissioner Jensen** [19:59:17](#) asked Mr. Haight what the best way to handle drainage on that property was, through a public road with curb and gutter or a private road. [19:59:41](#). **Mr. Haight** said it is his personal preference that storm water be handled on public facilities. If this was designed with curb and gutter, the water must be brought to the surface and allowed to flow out. If it is done with swales on a private road, his preference would be to retain it on the property and allow the overflow to the river. The engineering to do it with swales has been done but nothing has been prepared regarding the possibility of doing it as a public road. Either way the water should be brought to the surface and re-plant the native vegetation on the City property and allow the water to flow there. [20:00:00](#).
- **Commissioner Calacino** [20:00:36](#) wondered if Mr. Haight was comfortable in making a recommendation to the Planning Commission based solely on Interim drawings on this project. **Mr. Haight** said that Staff will look closely at the master plan and the need for the access and from that level and based on a transportation standpoint rather than drainage issue. If a private road is put in with a cu-de-sac, there are probably other ways which could be utilized if there are significant changes in ownership or need in that area.

- **Commissioner Jensen** asked if would be realistic to say that all discharge from that property can be prevented from flowing into the Jordan River. **Mr. Haight** was of the opinion that was not realistic but felt there were other suitable options. His main concern was that the overflow to controlled into a logical pre-designed location. [20:03:25](#) **Commissioner Jensen** then asked about the four permits **Mr. Haight** had recommended (1. Salt Lake County Flood Control Permit Meander Corridor, 2. FEMA Flood Map, 3. Army Corps of Engineers 404 and 4. EPA Storm Water Discharge Permit) and wanted to know if it was reasonable to say that the developer could get by with just #1 and #4 or were all four needed. [20:04:20](#) **Mr. Haight** suggested that the FEMA Flood Map was not needed unless the developer wanted one done, the Salt Lake County Flood Control Permit Meander Corridor Permit needs to be done, the 404 Permit necessity will be determined of what the final design looks like – the swale system he is proposing, the likelihood of needing each of those permits diminishes but he is required to install the stub streets, the likelihood increases. **Commissioner Jensen** asked again for clarification on exactly which permits would be required. **Mr. Haight** said the Salt Lake County Flood Control Permit Meander Corridor was definitely required and the other ones depend on the final design of what it looks like, especially how the storm drain system lays out. [20:03:53](#) **Mr. Overson** advised from the audience that he would have no problem in getting a 404 Permit if necessary.

7. **Commissioner Calacino** [20:06:05](#) said that inasmuch as 1130 West is a public street, he wanted to know what the proposed full right-of-way was for that street and if there was one, what would be the required dedication along 1130 West. It is a 25' half width along the east side so there needs to be verification how much Mr. Overson would have to dedicate along that portion of the property. [20:06:39](#) **Mr. McGrath** verified the last comment made by Commissioner Calacino as being correct.

8. **Commissioner Rushton-Carlson** asked if the property directly to the north which received approval for a two-lot subdivision, could provide its' own access to the rear of that site if it is ever developed as a second lot? [20:07:21](#) **Mr. Udall** said that the requirement there was for a 20' wide access there from the property line to the house. [20:08:05](#)

2.8 **Mr. McGrath** asked to be able to address some of the issues raised this evening. First of all going back to the evolution of the 4800 South Small Area Master Plan. This was the first small area master plan that the City has ever developed, so there was clearly some perceived notion that something was wrong down in the vicinity that needed to be addressed. That was mostly because several developments happening in the area that were deemed to have created an unsafe or undesirable situation on 1130 West. Basically the level of uncoordinated development was creating a very detrimental situation. The general objective of the 4800 South Small Area Master Plan was to bring some level of organization and safety to this area while still maintaining the country atmosphere that the residents enjoy and want to keep. When the plan went to the City Council, the idea of the road paralleling the river and coming out on to 1130 West was a very specific addition by the City Council at the time. They saw the draft plan and essentially stated that it was a failure in that it had not adequately brought a level of organization to the area that would properly disperse and organize traffic. It is generally considered poor planning practice to not have multiple ingress/egress points to neighborhoods. By continuing the existing pattern of development that funnels all traffic onto 1130 West via dead end private roads, it was felt that proper circulation patterns would not be established for areas adjacent to 1130 West or the newer subdivisions which front 4800 South. Continuing to allow new development onto 1130 West without consideration for better access to the area will further the detrimental situation of putting increased traffic on a road that could be unsafe due to visibility, road width, crowns, and lack of sidewalks. By extending a road that parallels the Jordan River it would eventually provide a secondary access point for both the 1130 West neighborhoods and the newer development adjacent to the river. Logic dictates that vehicle operators will still utilize the easiest access to their destination point but this plan will provide for a secondary access in the case of emergency. The 4800 South Small Area Master plan also identifies an alternative street section that is considerably different than a typical suburban street by utilizing aspects of a traditional country road. The plan also indicates that the alternate street section can be used in all of the area paralleling the river. It is different in that there is a sidewalk on one side, a much larger park strip to accommodate large shade trees that would create a canopy over the street, and a skinnier asphalt surface designed to slow down traffic, with country fences on each side. In other words considerably different than a typical suburban neighborhood but at the same time it would accommodate pedestrian safety and drainage. Staff was trying to bring organization, engineering, safety, while still maintaining the country atmosphere. Greg Larson was encouraged to utilize this design when he developed a portion of the Richardson property but he opted not to do it and was never required to do so. There is no need to necessarily rob this neighborhood of their community character. Again, that was the justification as to why some of these things came out in the 4800 South Small Area Master Plan. Under the modes of development that were happening and are continuing to be proposed, staff feels like the Plan would largely be a failure if the City doesn't continue to follow

these objectives. **Commissioner Daniels** [20:15:58](#) commented that the road being proposed is different than the road that was depicted earlier in the evening as a highway. Will there be any traffic calming features or any meandering of the road because that didn't come through on the drawing. **Mr. McGrath** advised that the road is not completely designed yet. There is essentially a stub street (indicated location on the site plan). In terms of traffic calming, the road section has a couple of calming features built into it, that being the large shade trees, which tend to give a feeling of enclosure on a street so that speed is less of a factor. The narrowness of the roads also slows down traffic speed. [20:17:21](#).

- **Commissioner Jensen** asked if the road was the perceived design for the road along the river as well as 1130 West and **Mr. McGrath** said that it proposed specifically in the Plan for 1130 West and then new development adjacent to the river. **Commissioner Jensen** said then it is a public road minus the sidewalk, curb and gutter. **Mr. McGrath** said that it is a viable alternate standard for a public road. His opinion was that the way it is now, 1130 West is an accident ready to happen and will possibly involve a pedestrian. The City Council held a public hearing and essentially the neighborhood indicated they did not want to see the road rebuilt. However, the road is not up to standard and over the next few years will probably require a great deal of maintenance, in addition to the lack curbs, sidewalks, etc. Sooner or later something will need to happen, hopefully not a serious accident that is the cause.
- **Commissioner Barbour** [20:19:37](#) asked if Mr. McGrath was saying that the City Council chose to do nothing with the road. **Mr. McGrath** [20:19:55](#) said that was correct. In fact the City Council chose to give back money that was in escrow from several of the properties that developed along 1130 West and in lieu of improvements they put money into an escrow account that would be used someday to improvement the road. When the community said they were not interested in any road improvements, the City Council chose to give that money back. There are no plans at present to improve the street.

## 2.9 **DISCUSSION:**

- **Commissioner Jensen** [20:20:37](#) said that he looked at the overall area and was concerned about 1130 West because every time someone wants to put in a private road it adds more homes. Every time more homes go in, more traffic is placed on 1130 West. There are private lanes all long the length of 1130 West and in spite of the wishes of the residents, it is a serious safety concern. If there was to be some type of disaster on 1130 West there would be no way to get people in and out. He felt the country style alternative proposed in the Plan was reasonable and would allow additional access to the area and fits the atmosphere of the area. There is a need for access to the Jordan River, therefore, he was in favor of allowing a country lane road back into the area for the safety of the residents and as well to preserve the character of the neighborhood. If you add extra homes, extra traffic will always follow. [20:23:02](#)
- 2.9 **MOTION #1:** **Commissioner Barbour** [20:24:25](#) - I will move for preliminary approval of File #14S05 and along with that approval it includes all of staff's recommendation with the exception of #6, which is trying to keep the character of that area in tact. Approval is with the following recommendations (full narrative of each recommendation can be found on Pages 2 and 3 of these Minutes) [20:19:37](#): #1, #2, #3, #4, #5, #7, [20:26:57](#), #8, #9, #10 (Removing requirement for FEMA approval and changing sentence that reads ...."and are reviewed and received by staff before the preliminary – change to final subdivision plat is approved". "Last sentence of #10 changed to add "that are necessary" at the end, #11, #12 , #7, #8, #9, #10, #11, #12. **Commissioner Barbour** - What should we do with #13? **Commissioner Calacino** said that the applicant indicated in the design of that road he could more than likely make that condition work or the Commission could make a recommendation to the applicant's request for exception and he can take it before the City Council. **Commissioner Barbour** - I thought I understood that he was talking about making it work. **Commissioner Calacino** - He can make it work because he may have to redesign anyway when he dedicates along 1130 West and loses acreage. **Commissioner Barbour** - So we will have him work out #13 with the City Engineer [20:30:37](#) Which road design. **Commissioner Rushton-Carlson** - Commissioner Barbour, what are you proposing when you eliminate #6, to offer a substitution for that? **Commissioner Barbour** - Just go with the swale plan proposed by the applicant, with no curb, gutter or sidewalk. [20:31:04](#)
- SECOND:** **Commissioner Daniels** [20:31:28](#) - I would like to suggest that on #12 to change City Staff to read City Planning Staff, and change that wherever else it is appropriate. **Commissioner Barbour** - I agree. **Mr. McGrath** - So for clarification, your motion indicated there will be no stub streets. **Commissioner Barbour** - Correct.



Commissioner Jensen restated the motion - The motion is to accept Item #14S05 a 9-lot subdivision, preliminary approval at 5161 South 1130 West. 20:32:46. I still have strong feelings on the safety of the neighborhood, on access, on how we are going to get emergency crews down there in an emergency situation, whether it be flooding, fire or whatever, on what has been deemed a substandard road. I have feelings that a county road access to the north will be needed eventually. Eventually someone will want to know why we did not give them access to their property. Commissioner Smith - 20:33:56 I would like to suggest a postponement and a field trip. I think this area is so vitally important to the growth of Taylorsville and it is a unique situation down there. I don't think what we see here gives a full appreciation of what it is all about. Commissioner Barbour - I believe that the applicant deserves a decision tonight. Commissioner Daniels and Commissioner Jensen both commented they have been to the area. Commissioner Calacino - 20:35:06 - I believe the second access is warranted in this area for safety reasons. I realize that the neighbors are adamant in not wanting any change and wish to ignore the obvious safety and traffic issues, then the burden for what happens is theirs. 20:36:08 Maybe one alternative would be to vacate the entire street to the neighbors and let them take care of it.

Commissioner Jensen - We have a motion to approve as stated by Commissioner Barbour and seconded by Commissioner Daniels. All in favor please signify.

**VOTE:** Commissioner Barbour – AYE                      Commissioner Daniels – NAY  
Commissioner Smith – NAY                      Commissioner Calacino – NAY  
Commissioner Bolton – NAY                      Commissioner Rushton-Carlson – NAY  
Commissioner Jensen – NAY  
Motion fails 6 to 1.

**MOTION #2:** Commissioner Daniels 20:38:13 - I would like to offer an alternative motion. I feel, as does the majority of the Commission, that the road is necessary especially for the future. I would like to proffer the same motion as did Commissioner Barbour, however, to include #6.

**SECOND:** Commissioner Calacino 20:39:02 – I would ask if Commissioner Daniels, if a public street is being proposed, if we discuss the design of it to be similar to the one that is was presented to us by Mr. McGrath, which would achieve the same intention that the proposed private street would. Commissioner Daniels - I would agree to that and go a bit further and say, upon the approval of Planning Staff. Commissioner Jensen -20:39:33 I would like to reinforce the topic of whether a south stub is required. Commissioner Calacino - As one Commissioner, I think it is appropriate but again the critical point is to make a connection to the north and this seems to be the most viable property to do that.

Commissioner Jensen restated the motion by Commissioner Daniels, which was for positive approval of the preliminary subdivision with the inclusion of Item #6 to provide stub streets. I would like to propose an amendment to make them country standard roads, that curb and gutter not be required. Commissioner Daniels - Commissioner Calacino, wasn't that your intent with your second? Commissioner Calacino - Yes. All in favor of this motion say AYE, and those in opposition say NAY.

**VOTE:** Commissioner Barbour – NAY                      Commissioner Daniels – AYE  
Commissioner Smith – AYE                      Commissioner Calacino – AYE  
Commissioner Bolton – AYE                      Commissioner Rushton-Carlson – AYE  
Commissioner Jensen – AYE  
Motion passes 6 to 1.

**DISCUSSION:** Commissioner Barbour - I believe that the stub roads are good planning, however, I have never sat in this room and had not one person who lives there and will be affected, stand to the microphone and say they wanted it. They have all stood up and adamantly said they do not want it. Commissioner Calacino - I agree with Commissioner Barbour and that is what I have heard every time as well. Commissioner Jensen - What I would like to see is our City as a whole to become more open and more friendly. I think the trend toward, "I have what I want and the rest of you stay away from me" in today's world is not a good way to go. I think we should be more open and want to get to know our neighbors rather than have gated communities and private roads. Commissioner Smith - 1130 West is an extremely dangerous road. I have seen cars in the ditch there and little kids jump into the ditch to escape cars and here with more development moving down that way, that road just cannot handle it. Commissioner Daniels - There was a gentleman here at one of our meetings, I think his name was Olson and he spoke very strongly of having the road, for fear of having his property landlocked.

Commissioner took a two minute break at this point. Out 20:44:19 Back - 20:46:54

**Commissioner Overson returned at this point and assumed duties as Chair.**

- |  |
|--|
| 3. 1S06 <b><u>Jack Lucas</u></b> – Residential Planned Unit Development for 14 Attached Dwelling Units at 1590-1632 West 6235 South. (Preliminary)<br>(Michael Maloy/City Planner) |
|--|

20:47:32

3.1 **Mr. Maloy** oriented on the site plan/aerial map and images. On December 13, 2005, the applicant received preliminary approval from the Planning Commission for a Conditional Use Permit (#44C05) to construct 14 townhouses on this property with 17 conditions. The preliminary subdivision proposal is generally consistent with the preliminary site plan approved by the Planning Commission, however, staff has the following concerns:

- **Guest parking.** The Unified Fire Authority has stated that no on-street parking will be allowed within the project due to the narrow width of the proposed private road. Although the project has been granted preliminary approval without guest parking, staff desires to preserve flexibility in administering final approval in the event that the applicant desires to create guest parking by either widening the private street or designating additional guest parking in a manner that is compliant with applicable codes.
- **Grading.** The proposed grading plan has not yet been approved by the City Engineer. Staff is concerned with the applicant's proposal to construct a "French drain" in the northeast corner of the property. In the event that the drain fails, storm water will "overtop" into adjacent private property which is not permitted by City Code. However, contouring the site to ensure all storm drainage will flow to the public street will create a significant grade change along the north and east property lines. Staff is very concerned with the impact either design solution will have on adjacent property owners. A third option is to require the applicant to obtain additional easements to construct a storm drain that would drain to the north or east of the site into an approved storm drain.
- **Location of private access.** Private road must be located directly across from Cannonwood Drive, which is located south of 6235 South. Preliminary subdivision plan shows the proposed private access is offset approximately 26 feet to the west.
- **Open space plan.** Subdivision plat indicates "limited common" space located in the southeast portion of the property. Final design and programming of open space has not yet been granted final approval by staff. Open space design including site furnishings, amenities, and use need to be resolved prior to final approval of subdivision plat. For example, staff questions the purpose of restricting access to the proposed open space amenity located in the southeast corner of the project.
- **Setback encroachment.** One of the proposed dwelling units is located 13.32 feet from the east property line. The minimum building setback in this area is 15 feet.
- **Plat consistency.** The final subdivision plat must be consistent with final approval of the corresponding conditional use permit, which will likely require minor revisions to the site plan due to civil engineering requirements.

**Staff recommends approval based on the Planning Commission preliminary approval of Conditional Use Permit #44C05, with the following conditions:**

1. **[Changed by Motion]** ~~Under the direction of the Planning Commission, staff~~ **The Planning Commission shall review subdivision plat for final approval.**
2. Receive subdivision approval from all applicable regulatory authorities including the City Engineer, Unified Fire Authority, Taylorsville-Bennion Improvement District, Salt Lake Valley Health Department and Salt Lake County Recorder's Office.
3. Final approval of the Bennion Overlook Subdivision shall be contingent upon final approval of corresponding Conditional Use Permit #44C05 and plat shall not be recorded prior to issuance of said permit. Open space plan, amenities and use restrictions shall be consistent with conditions of the Conditional Use Permit.
4. Submit final plat identifying locations and addresses of all townhouses and include legal descriptions for each condominium unit.
5. Submit for City review a copy of proposed codes, covenants and restrictions (CC&R's) to ensure proper maintenance of common space.
6. Amend building setbacks to comply with City ordinances.
7. Applicant shall pay all applicable subdivision application and impact fees prior to plat approval.
8. Align private road with Cannonwood Drive, which is located south of 6235 South.
9. **[Deleted by suggestion of Commission Chair]** ~~Other conditions deemed necessary by the Planning Commission.~~

### 3.2 **DISCUSSION:**

- [20:51:42](#) **Commissioner Calacino** asked if appropriate approvals had been received by staff and **Mr. Maloy** said that he has received one from the Fire Department but nothing yet from Taylorsville-Bennion Improvement District or the Health Department. He added the comment that there is still a lack of adequate guest parking for this project. [20:54:50](#) **Commissioner Calacino** asked that the City Engineer be asked to speak to the Commission to answer some concerns.
- **Gordon Haight** (City Engineer) [20:55:11](#) **Mr. Haight** said that when he reviews a plan, all utility easements are attached thereto and he assumes they are correct. He advised that he had no major concerns with the site plan as proposed but has addressed some issues with the developer; one being that the water is being held on site without positive overflow to a public facility. That could become an issue if the City experiences flooding in the future. There is also a pretty significant grade change to the dental facility to the west of this site. **Commissioner Overson** asked him about Mr. Lucas' comment that there was going to be a French drain installed and asked if the City was okay with that proposal. **Mr. Haight** said that was a topographical error on the plan and is not being proposed on this site. A French drain basically helps water absorb back into the ground and would not work on this site. **Commissioner Calacino** said hypothetically if there is no means to connect to a public storm drain system and the water does need to be retained on site did Mr. Haight see what is being proposed as being adequate? [21:00:06](#) **Mr. Haight** said that the detail of the drawing does not have enough specifics to say yes or no and he would prefer another direction for this issue.

3.3 **APPLICANT ADDRESS:** **Jack Lucas** [21:03:56](#) **Mr. Lucas** commented on the drainage issue by saying that they plan to exit water onto 6235 South. That approximately 12.7% of the site drains to the northeast corner. Also that they have designed it to maintain the existing grade without a retaining wall. The front side of the project does have a detention point, however, that 87.3% of the excess water will drain to 6235 South. **Mr. Lucas** advised they would work with the City Engineer for an appropriate solution to the site drainage issues. [21:10:59](#) **Commissioner Overson** asked about the setback encroachment and asked if it would mean they lose a couple of units. **Mr. Lucas** said that they would not lose any and would accommodate that setback by repositioning some of the units. [21:11:43](#) **Commissioner Overson** expressed concern that the open space element would not be available to everyone and **Mr. Maloy** agreed there was some restriction to access which would have to be worked out on the final approval. [21:13:46](#) **Commissioner Jensen** asked if the developer had been in touch with the landowners to the west on the drainage issue and **Mr. Lucas** advised that he had. **Commissioner Barbour** [21:15:10](#) asked how much usable open space was proposed here and if there would be a club house. She was also concerned there would not be parking available for home owner's guest usage. **Mr. Lucas** said it would equate to 48% of the site, with a common area that is accessible to everyone and there would be no club house. [21:15:46](#) Some units have 4,000 square feet and could be family units but most interest has been displayed by people in the age range of empty nesters and single adults.

3.4 **SPEAKING:** None.

3.5 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR A MOTION.** **Commissioner Calacino** expressed concern about the lack of a potential connection to developable land to the north. [21:20:31](#) He also still had concerns about site drainage and lack of usable open space

- 3.6 **MOTION:** **Commissioner Bolton** [21:24:01](#) – I will make a motion that we put a positive approval on File 1S06 with staff's recommendations, with a slight modification to #1 to change final plat approval shall be made by the Planning Commission in order to see the impact of realigning the road, the setback requirements and the engineering that has been addressed.  
**SECOND:** **Commissioner Calacino.** If the motion carries, maybe Commissioner's motion could be modified to say that final approval could be on the Consent Agenda. **Commissioner Bolton** - I accept that amendment. [21:25:45](#)  
**Commissioner Overson** restated the motion and suggested that would eliminate staff recommendation #9.  
**VOTE:** All in favor. Motion passes unanimously.

#### **DISCUSSION ITEMS**

- |   |
|---|
| 4. Quarterly Project Update by City Planners. |
|---|

The Project Update submitted by Staff was reviewed by district with each planner giving the status of projects included in their individual districts and commissioners offering comments. At the end of the briefing, Commissioners

expressed their appreciation for the presentation by staff and said it was very informative and helpful. Projects discussed included the following:

1. **Planning District #1 (Nick Norris)**

- Gold's Gym, 5372 S. 4015 W. (Under construction)
- Mad Green Restaurant, 3955 W. 5400 S. (Near completion)
- Car Wash, 2192 W. 5400 S. (Final CUP has not been finalized – pending).
- Car Wash, 3200 W. 6200 S. (CUP has expired – property is for sale)
- Olsen Subdivision, 4850 S. 3400 W. (Two lot subdivision – recorded/finalized)

2. **Planning District #2 (Michael Maloy)**

- The Carpet Guy, 6300 S. Redwood Road (Under construction)
- Winchester Overlook, 1300 W. Winchester (City is waiting for civil engineering plans for final approval – subdivision application has not been received).
- Taylorsville Town Homes, 1300 W. Winchester (City is waiting for civil engineering plans for preliminary review – subdivision application has not been received).
- Sanford Hamilton Dental Office, 1638 W. 6235 S. (Under construction).
- Wal-Mart Super Center, 569 S. Redwood Road (Temporary occupancy granted, however, landscaping is not completed and may require traffic pattern adjustment).
- 2-Ton Plumbing, 1648 W. 6200 S. (Owners have not submitted business license permit or permitted use site plan approval).
- Bennion Overlook, 1590-1632 W. 6235 S. (PC granted preliminary CUP and preliminary subdivision approval. Engineering plans currently being reviewed by staff).
- Contoy Estates Subdivision, 1480 W. Connie Way (PC granted final subdivision approval. Waiting for final subdivision plat, civil engineering plans and payment of fees).
- Exchange Place (3 Commercial Condos), 5667 S, 5675 S and 5689 S. Redwood Road (First building is complete, second building is under construction).
- Legacy West Village, 6200 S. Gold Medal Drive (All building permits have been issued).
- Taylorsville City Center, 2700 W. 5400 S. (City Council public hearing for General Plan Amendment and Zoning Text Amendment scheduled for Feb 15, 2006. No additional applications or submittals have been received from developer).
- Taylorsville Corner, 5419 S. Redwood Road (Preliminary approval by PC. Staff is waiting for final civil engineering and landscape plan submittals).
- Morrill Subdivision, 6024 S. 2200 W. (Staff is waiting for submittal of final civil engineering and subdivision documents).
- Primary Children's Medical Center, 5770 S. 1500 W. (Applicant submitted a CUP to modify office space into an in-patient pediatric mental health clinic – being reviewed by staff).
- Mortensen Garage, 6134 S. Jordan Canal Road (Under construction).
- Parker-Jimenez Estates (4 Lots), 2533 W. 6200 S. (Deadline for submittal if 04/13/06).
- Black Garage, 2505 Bennion Pines Ct. (Near completion).
- Redwood Medical Office Building, 6321 S. Redwood Road (Near completion).

3. **Planning District 3 (Dan Udall)**

- Office Building, 4541 S. Atherton Dr. (Under construction).
- Mixed Commercial Office Building, 4539 S. Atherton Dr. (Will be submitting building plans within the next couple of weeks).
- Three-lot Subdivision, 4242 S. 2200 W. (Subdivision has been recorded. Not under construction).
- 18 Unit Town House PUD, 4242 S. 2200 W. (All 18 units have received building permits. Under construction)

5. Introductions of Planning Commission and City Staff.
---

**21:43:03 Mr. McGrath** introduced this item by saying these introductions were done many years ago and since then there have been many personnel changes on the Commission and felt it was time to do this again. All Commissioners and staff gave brief personal and professional backgrounds, along with what they wanted to see happen in Taylorsville.

**ADJOURNMENT:** By motion of **Commissioner Calacino**, the meeting was adjourned at **23:00:02**.

Respectfully submitted by:

---

Jean Gallegos, Administrative Assistant to the  
Planning Commission

Approved in meeting held March 14, 2006.